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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/696,395	10/29/2003	Larry B. Pearson	1033-MS1001	6395

34456 7590 03/10/2005

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EXAMINER	
BELIVEAU, SCOTT E	

ART UNIT	PAPER NUMBER
2614	

DATE MAILED: 03/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/696,395	PEARSON ET AL.	
	Examiner	Art Unit	
	Scott Beliveau	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-33 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-33 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on 29 October 2003 is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claim 8 is objected to because the recitation of "wherein the information comprises" appears to be a typographical error in light of the specification and the other presented claims. It would appear that the phrase should properly read "[wherein the information] further comprises". Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 5-8, 10, 20-24, and 26 are rejected under 35 U.S.C. 102(e) as being anticipated by Ansari et al. (US Pub No. 2004/006772 A1).

In consideration of claim 1, Figure 1 of the Ansari et al. reference (hereafter referenced as Ansari et al. ('772)) illustrates a "video distribution system" and further explicitly incorporates by reference Ansari et al. (US Pub. No. 2004/00769 A1) (hereafter referenced as Ansari et al. ('769)) and Ansari et al. (US Pub No. 2004/0015997 A1) (hereafter referenced as Ansari et al. ('997)) (Ansari et al. ('772): Para. [0001]). As illustrated in Figure 2 (Ansari et al. ('772), the system comprises a "receiver operable to receive a multiplexed signal

comprising a plurality of encoded video information streams" [10] associated with an MPEG encoded DBS video programming for a plurality of channels (Ansari et al. ('772): Para. [0016]; Ansari et al. ('769): Para. [0026]), a "first decoder" [82] and a "second decoder" [84] each respectfully "coupled to the receiver" [30] and "operable to decode" a respective "first" and "second video information stream of the multiplexed signal" (Ansari et al. ('772): Para. [0028]; Ansari et al. ('769): Para. [0026]), and a "remote control mechanism" [52] that is "operable to communicate a request signal to the first decoder requesting that the first decoder decode a different video information stream of the multiplexed signal" (Ansari et al. ('772): Para. [0030]).

The reference further discloses the usage of a mixer/modulator or "combiner" [132] that is operable to "output a composite signal" comprising a "decoded first video information stream" derived from the DBS service [30] and a "second decoded video information stream" derived from the DSL service [32] wherein the respective "first" and "second video information stream" is "modulated to a first" and "second radio frequency band" corresponding to a particular television channel (Ansari et al. ('772): Para. [0039]). The claim does not require that the particular decoded signals are necessarily the same throughout the claim, nor does it require that the respective radio frequency bands are different from one another.

In consideration of claim 5, Figure 2 illustrates that the Ansari et al. ('772) is interconnected with a DSL service [32]. The Ansari et al. ('769) reference provides further details as to this interconnection and discloses that the conventional DSL service includes "a network interface" [26] which "provides at least a portion of a communication path

interconnecting the receiver and a wide area communication network" such as the Internet (Ansari et al. ('769): Para. [0038]). The Ansari et al. ('997) reference further discloses the existence of a "communication module having a local area wireless transceiver" [304] (Para. [0017] and [0040]) so as to facilitate intercommunication to/from the local PCs [22/24/26/30].

Claim 6 is rejected wherein the "premise network" [61] comprises "installed coaxial cable" (Ansari et al. ('772): Para. [0040]).

Claim 7 is rejected wherein the "modem device" [106] is "selected from the group consisting of an . . . xDSL modem" (Ansari et al. ('772): Para. [0032]).

Claim 8 is rejected wherein the system further comprises a "messaging engine" [112] that is "operable to initiate communication of message information via the premise network" [61] wherein the "message information represents a message sent using a serves selected from the group consisting of electronic mail . . . [and] IM" (Ansari et al. ('772): Para. [0014]).

Claim 10 is rejected wherein the system further comprises a "graphical user interface (GUI) engine" [112] which is "operable to initiate presentation of a GUI on a television display" [12/14/16/20] via the "premise network" [61]. The "GUI" may be in the form of a received web-page or other on-screen interface so as to facilitate the selection and playback of stored content (Ansari et al. ('772): Para. [0035] and [0037]).

In consideration of claim 20, Figure 1 of the Ansari et al. reference (hereafter referenced as Ansari et al. ('772)) illustrates "video distribution system" and further explicitly incorporates by reference Ansari et al. (US Pub. No. 2004/00769 A1) (hereafter referenced as Ansari et al. ('769)) and Ansari et al. (US Pub No. 2004/0015997 A1) (hereafter referenced

as Ansari et al. ('997)) (Ansari et al. ('772): Para. [0001]). As illustrated in Figure 1 (Ansari et al. ('769), the system comprises a "plurality of remote controllable channel output modules" [50/52/54/56] associated with a "premise network interface" interconnecting the modules to the "premise network" [22]. As set forth in the reference, "each [remote controllable channel output module is] configured to output a signal modulated to an assigned frequency block, [wherein] the signal represents [a] decoded version of a selected MPEG video stream and to "output a composite signal to a premise network . . . [wherein] the composite signal comprises a modulated signal from at least one of the plurality of remote controllable channel output modules" (Ansari et al. ('769): Para. [0020] and [0026] – [0027]). As aforementioned, the "composite signal" is sent via a "premise network interface" interconnecting the module to the "premise network" [22].

Claim 21 is rejected wherein the "premise network comprises a wireless local area network" (Ansari et al. ('997): Para. [0009]).

Claim 22 is rejected wherein the "premise network" [61] comprises "coaxial cable" (Ansari et al. ('772): Para. [0040]).

In consideration of claims 23 and 24, the Ansari et al. ('769) discloses that the "remote controllable channel output modules" are operable to output "Very High Frequency spectrum assigned to television channels" (Ansari et al. ('769): Para. [0027]) not limited to channels 3 and 4 respectively. The Ansari et al. ('722) reference explicitly discloses that the "remote controllable channel output modules" [142/144/146/150] are operable to output RF channels 2, 3, 4, and 5 respectively. Accordingly, the reference anticipates the particular usage of the claimed frequency blocks in accordance with the FCC frequency assignments for the

corresponding VHF channels. In particular, the "first of the remote controllable channel output modules" [144] utilizes an "assigned frequency block . . . comprising a range of approximately 60 to 66 MHz" given that the particularly claimed frequency range corresponds to VHF channel 3, the "second of the remote controllable channel output modules" [145] utilizes an "assigned frequency block . . . comprising a range of approximately 66 to 72 MHz" given that the particularly claimed frequency range corresponds to VHF channel 4, and the "third of the remote controllable channel output modules" [146] utilizes an "assigned frequency block . . . comprising a range of approximately 76 to 82 MHz" given that the particularly claimed frequency range corresponds to VHF channel 5 .

Claim 26 is rejected wherein the system comprises a "first remote controllable channel output module" [50] which is "fixed to output information to one assigned frequency block" corresponding to a particular channel (Ansari et al. ('769): Para. [0027]).

4. Claims 11-15 and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Ho (US Pat No. 6,622,307 B1).

In consideration of claim 11, the Ho reference discloses a "distribution method" for distributing digital television programming to a plurality of televisions within a household. The method comprises "receiving an incoming signal that comprises information representing a plurality of video streams" [135/120], "generating a first" and "second modulated signal representing" a respective "first" and "second video stream information modulated within" a respective "first" and "second frequency band" [106], and "outputting a

combined signal" [110] to a "premise network" [134] (Col 8, Lines 8-36; Col 9, Lines 12-46).

Claim 12 is rejected wherein the "first frequency band" implicitly "comprises an approximately 6 megahertz block of the radio spectrum" corresponding to the FCC assigned channel frequency bands for UHF/VHF signals (Col 9, Lines 12-23; Col 11, Lines 8-23).

Claim 13 is rejected wherein the "incoming signal comprises a direct broadcast satellite signal" [120] (Col 7, Lines 11-20).

Claim 14 is rejected wherein the "incoming signal comprises a cable television signal" [135] (Col 8, Lines 13-20).

Claim 15 is rejected wherein the "premise network" [134] comprises a "coaxial cable network installed in a residential home" (Col 8, Lines 18-36).

In consideration of claim 18, the system "spits the incoming signal into at least two intermediate signals, each of the at least two intermediate signals comprising first video stream information and second video stream information" [108] and the associated IRDs [106] subsequently "parse one of the intermediate signals to find the first video stream information", and "parse a second of the intermediate signals to find the second video stream information" (Col 2, Lines 22-30; Col 7, Line 39 – Col 8, Lines 13 and 51-65).

5. Claims 29 and 31 are rejected under 35 U.S.C. 102(b) as being anticipated by Ehreth (US Pat No. 6,286,142 B1).

In consideration of claim 29, the Ehreth reference discloses a method for "facilitating video distribution" within a residence. In particular, the method comprises "linking a plurality of users with associated carrier frequencies" wherein each individual user associated

with a requested program to be displayed on a given television [100] is linked to that particular television by virtue of the relationship established by between the user watching a particular program on a particular television over that is distributed over the user designated carrier frequency (ex. the channel frequency corresponding to channel "4" is the user's link to being able to watch a requested program through the shared network" (Col 4, Lines 24-34). In response to "receiving a command from the user", the system "modulates" [34] a "decoded video stream identified by the command on a carrier frequency associated with the first user" and "outputs the modulated stream to a premise network" [90] by "tuning a premise network connected television" [100] to the "carrier frequency associated with the first user" (Col 3, Line 35-50; Col 3, Line 65 – Col 4, Line 12; Col 4, Line 44 – Col 5, Line 39).

Claim 31 is rejected in view of claim 29 wherein the reference discloses the existence of a "second user" with a different associated "carrier frequency" (Col 5, Lines 16-29). As such, the reference anticipates the method of "receiving another command from a second user", "modulating a chosen decoded video stream identified by the other command on a carrier frequency associated with the second user", and "outputting the modulated chosen stream to the premise network such that the second user can access the modulated chosen stream by tuning a given premise network connected television to the carrier frequency associated with the second user" (Col 5, Lines 30-43).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ansari et al. (US Pub No. 2004/006772 A1) in view of Swisher et al. (US Pat No. 6,418,149).

In consideration of claim 2, while the Ansari et al. ('772) reference discloses the particular usage of an xDSL "modem" [106] and "diplexers", it does not explicitly disclose nor preclude the particular interconnection means of the centralized unit to the bi-directional DSL service [32] as claimed. In a related art pertaining to distribution of video and high-speed data services through the usage of a centralized gateway to a plurality of televisions, Figure 3 of the Swisher et al. reference illustrates the particular usage of a "diplexer" [610/620] that is "operable to distinguish between upstream and downstream communication flow" associated with the distribution of data and video signals within a residence and is "operable to output the multiplexed signal to the receiver" [200] or centralized distribution

unit (Col 6, Line 23 – Col 7, Line 20; Col 7, Line 61 – Col 8, Line 15). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made so as to utilize a "diplexer" and other interconnection wiring components as taught by Swisher et al. for the purpose of providing a means so as to interconnect the Ansari et al. centralized gateway or "receiver" [10] and support bi-directional communications using existing in-home wiring schemes (Swisher et al.: Col 1, Line 44 – Col 2, Line 11).

9. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ansari et al. (US Pub No. 2004/006772 A1) in view of Kubischta et al. (US Pub No. 2002/0042915 A1).

In consideration of claim 3, the Ansari et al. ('772) reference discloses that the "remote control mechanism" is operable to communicate wirelessly (Para. [0030]), however, it is unclear if such necessarily utilizes a "wireless local area network communication protocol". In a related art corresponding to video distribution systems, the Kubischta et al. reference discloses a system wherein a "remote control mechanism" [220] is "operable to communication using a wireless local area network communication protocol" such as 802.11a or 802.11b or "Bluetooth" (Para. [0037]). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made so as to modify the Ansari et al. "remote controllers" to utilize the remote controller teachings of Kubischta et al. as to utilize a "wireless local area network communication protocol" for the purpose of advantageously providing a means by which the remote controller may access and view content from the Internet without interrupting the current television channel (Kubischta et al.: Para. [0007] and [0008]).

In consideration of claim 4, as aforementioned, the Ansari et al. ('772) reference is operable to support wireless communication so as to interconnect a "remote control" [52] to the "first decoder" [82]. The reference, however, does not explicitly illustrate a "radio communication module". The Kubischta et al. reference explicitly illustrates a "radio frequency communication module" [210] which is "operable to support at least a portion of a communication path interconnecting the remote control and the first decoder" associated with a set-top box (STB) [102]. As aforementioned, it would have been obvious to one having ordinary skill in the art at the time the invention was made to particularly utilize an "radio communication module" so as to "support at least a portion of a communication path interconnecting the remote control and the first decoder" for the purpose of advantageously providing/implementing a wireless distribution means by which a remote control may access and view content from the Internet without interrupting the current television channel (Kubischta et al.: Para. [0007] and [0008]).

10. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ansari et al. (US Pub No. 2004/006772 A1) in view of Bates et al. (US Pub No. 2003/0145321 A1).

In consideration of claim 9, the Ansari et al. ('772) reference does not explicitly disclose nor preclude the ability to track "metrics associated with viewed programming. In a related art pertaining to managing access to television programs and shows in conjunction with a channel selection device, the Bates et al. reference discloses the usage of a "metric engine" [24] that is operable to "track a metric associated with . . . [a] video information stream, wherein the metric is selected from the group consisting of . . . amount of time associated with outputting the decoded . . . video information stream" (Bates et al.: Para. [0032]).

Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made modify Ansari et al. to utilize a "metrics engine" such as that disclosed by Bates et al. for the purpose of advantageously providing a means to track and limit the amount of time an individual may view a particular channel or program in a given period (Bates et al.: Para. [0048]).

11. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ho (US Pat No. 6,622,307 B1) in view of Bates et al. (US Pub No. 2003/0145321 A1).

In consideration of claim 17, the Ho reference suggests the particular usage of parental control (Col 10, Line 67 – Col 11, Line 8), however it does not explicitly disclose nor preclude the ability to track "metrics associated with viewed programming". As aforementioned, the related art Bates et al. reference discloses a method for "tracking a metric associated with [a] first frequency band, wherein the metric is selected from the group consisting of . . . amount of time associated with viewable content modulated on the first frequency band" (Bates et al.: Para. [0032]). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made modify Ho to utilize a "metrics engine" such as that disclosed by Bates et al. for the purpose of advantageously providing a means to track and limit the amount of time an individual may view a particular channel or program in a given period (Bates et al.: Para. [0048]).

12. Claims 16 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ho (US Pat No. 6,622,307 B1) in view of Dillon et al. (US Pat No. 6,430,233 B1).

In consideration of claim 16, while the Ho reference discloses the particular usage of a multiplexed packetized data stream from a DTH satellite (Col 1, Lines 50-56), the reference

does not explicitly disclose that the "incoming signal comprises a multiplexed MPEG steam". The Dillon et al. reference provides evidence that it is commonly known to those skilled in the art that DTH systems to utilize "MEPG" encoding (Dillion et al.: Col 2, Lines 5-16). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made such so as to employ "MPEG" encoding in connection with the "incoming signal" of the DTH system of Ho for the inherent advantages associated with the particular usage of "MPEG" encoding including but not limited to the particular usage of an industry standard so as to ensure interoperability between devices.

In consideration of claim 19, the Ho reference discloses "receiving a multiplexed . . . stream" and "decoding" the "first" and "second video stream information" respectfully (Col 1, Lines 48-46; Col 5, Lines 51 – Col 3, Line 8). The reference, however, does not explicitly state the information stream necessarily utilizes "MPEG" encoding. The Dillon et al. reference provides evidence that it is commonly known to those skilled in the art that DTH systems to utilize "MEPG" encoding (Dillon et al.: Col 2, Lines 5-16). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made so as to employ "MPEG" encoding in connection with the DTH system of Ho for the inherent advantages associated with the particular usage of "MPEG" encoding including but not limited to the particular usage of an industry standard so as to ensure interoperability between devices.

13. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ansari et al. (US Pub No. 2004/006772 A1) in view of Reyes et al. (US Pub No. 2002/0078442 A1).

In consideration of claim 25, as aforementioned, the Ansari et al. ('772) reference discloses that the system comprises a "remote control" [52/54/56/60] which is "operable to communicate with each of the plurality of remote controllable channel output modules" [82/84/86/90] and "remotely control at least one of the plurality of remote controllable channel output modules" (Ansari et al. ('772): Para. [0030]). The reference, however, does not particularly disclose nor preclude the particular usage of an "access engine" as claimed. In a related art pertaining to restricting access to a remote control, the Reyes et al. reference discloses an "access engine associated with [a] remote control . . . operable to authorize the remote control to remotely control at least one of the plurality of remote controllable channel output modules" (Para. [0037] – [0038] and [0042]). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made so as to utilize an "access engine" in conjunction with the Ansari et al. system for the purpose of providing a means to prevent accidental redirects of a viewing channel by children or other adults (Reyes et al.: Para. [0005]).

14. Claims 27 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ansari et al. (US Pub No. 2004/006772 A1) in view of Cooper et al. (US Pat No. 6,754,904 B1).

In consideration of claim 27, the Ansari et al. reference discloses the ability to support web-based services including instant messaging services (Ansari et al. ('772): Para. [0051]), however it does not particularly disclose nor preclude that the system further comprises a "table mapping each of a plurality of viewers to at least one assigned frequency block". In a related art associated video distribution systems, the Cooper et al. reference discloses a system that comprises a "table mapping each of a plurality of viewers to at least one assigned

frequency block" [1206] identifying channel for which the viewer is currently watching (Figure 12A; Col 4, Lines 50-51; Col 6, Lines 53-56; Col 7, Lines 14-42). As is commonly understood in the art, a channel is representative of an "assigned frequency block". The claim does not require that the particular "assigned frequency lock" is same as that of the independent claim. Accordingly, it would have been obvious to one having ordinary skill in the art so as to modify the Ansari et al. system so as to utilize a "table mapping each of a plurality of viewers to at least one assigned frequency block" for the purpose of advantageously informing a first network user of the activities of a second network user within a geographic area serviced by a given provider (Cooper et al.: Col 2, Lines 38-44) in a manner that so as to facilitate message communications regarding viewed programming.

In consideration of claim 28, the Ansari et al. reference discloses the particular usage of a "graphical user interface (GUI) engine" [112] and discloses the ability to support web-based services including instant messaging services (Ansari et al. ('772): Para. [0051]), however it does not particularly disclose nor preclude the ability to "initiate display of a GUI element indicating video programs represented by the selected MPEG video stream output by each of the plurality of remote controllable channel output modules". In a related art associated with determining what video programming particular viewers are watching, the Cooper et al. reference discloses a system wherein a "graphical user interface (GUI) engine" [516] is operable to "initiate presentation of a GUI on a television display" [502] coupled to a "premise network" interconnecting the centralized terminal with the television. The "graphical user interface (GUI) engine" [516] is "further operable to initiate display of a GUI element indicating video programs" being viewed by other network users viewing digital

"video streams output" by a respective "channel output module" [510/512] (Figure 11; Col 7, Lines 14-38). Accordingly, it would have been obvious to one having ordinary skill in the art so as to modify the Ansari et al. system using the "graphical user interface (GUI) engine" of Cooper et al. so as to provide a means for advantageously informing a first network user of the activities of a second network user (Cooper et al.: Col 2, Lines 38-44) in a manner so as to facilitate message communications regarding viewed programming.

Taken in combination, the references would subsequently facilitate the ability for each user within the household to "initiate display of a GUI element indicating video programs represented by" not only "the selected MPEG video stream output by each of the plurality of remote controllable channel output modules", but also those programs being currently watched by other network users. The in-home users could subsequently chat about related programming being viewed at different locations (both within and outside of the household).

15. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ehreth (US Pat No. 6,286,142 B1) in view of Reyes et al. (US Pub No. 2002/0078442 A1).

In consideration of claim 30, the Ehreth reference does not explicitly disclose the particular usage of access control techniques in conjunction with the user selecting a particular channel for viewing. In a related art pertaining to the problem of parental access controlling in a video distribution environment, the Reyes et al. reference discloses a method for locking a remote control so as to prevent channel change operations. In particular, once the remote controller has been locked, the system "prompts the first user to enter credentials" and "authorizes the first user to input the command" to subsequently change channels "in response to acceptance of the credentials" (Para. [0037] – [0038] and [0042]). Accordingly,

it would have been obvious to one having ordinary skill in the art at the time the invention was made so as to modify the program selection device [30] of Ehreth so as to require the particular entry of "credentials" prior to "authorizing" or enabling subsequent channel change operations for the purpose of providing a means to prevent accidental redirects of a viewing channel by children or other adults (Reyes et al.: Para. [0005]).

16. Claims 32 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ehreth (US Pat No. 6,286,142 B1) in view of Bates et al. (US Pub No. 2003/0145321 A1).

In consideration of claim 32, the Ehreth reference does not explicitly disclose nor preclude "tracking a viewing metric" of a given user. The Bates et al. reference provides evidence that it is known to "track a viewing metric of the first user" (Bates et al.: Para. [0026] and [0032]). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made so as to modify the Ehreth reference so as to further "track a viewing metric of the first user" for the purpose of advantageously providing a means to limit the viewing time of programming/channels and to further provide a means for reporting the stored metrics of such (Bates et al.: Para. [0005], [0048], and [0050])

In consideration of claim 33, the Ehreth reference does not particularly disclose nor preclude the particular ability to "disable access to a certain video stream for at least one of the plurality of users". The Bates et al. reference provides evidence that it is known in the art to "disable access to a certain video stream for at least one of the plurality of users" such as children (Para. [0031] and [0032]). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made so as to modify Ehreth so as to "disable access to a certain video stream for at least one of the plurality of users" as taught by

Bates et al. for the purpose of providing a means for parents to control the channels and programs available for viewing (Bates et al.: Para. [0005] and [0047])

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure as follows. Applicant is reminded that in amending in response to a rejection of claims, the patentable novelty must be clearly shown in view of the state of the art disclosed by the references cited and the objections made.

- The DeRodeff et al. (US Pat No. 5,828,403) reference discloses a system and method for providing at least one of a plurality of digitally encoded signals transmitted by a network provider to a plurality of user programmable devices disposed in a single network.
- The Hylton et al. (US Pat No. 5,708,961) reference discloses a wireless on-premises video distribution system utilizing digital multiplexing.
- The Eames et al. (US Pat No. 6,317,884 B1) reference discloses a residential gateway for distributing video, data, and telephony services to a plurality of terminals.
- The Hamlin (US Pat No. 5,574,964) reference discloses a signal distribution system having a common converter for disturbing signals over a common bus.
- The Iwamura (US Pub No. 2005/0015805 A1) reference discloses a centralized in-home server that further facilitates locking and parental control features.
- The Williams, Jr. (US Pat No. 6,202,211 B1) reference discloses a method and apparatus for providing television signals to multiple viewing stations.

- The Nickum (US Pat No. 6,359,661) reference discloses a method and apparatus for using a remote control with a plurality of profiles which facilitates parental control features.
- The Falvo et al. (US Pub No. 2003/0140343 A1) reference illustrates particular usage of a remote wireless device which operates using a WLAN protocol.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Beliveau whose telephone number is 571-272-7343. The examiner can normally be reached on Monday-Friday from 8:30 a.m. - 6:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on 571-272-7353. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SEB
March 7, 2005